

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JAMES WEBSTER,

Plaintiff,

ORDER

03-CV-6136L

V.

JOHN WEST,


Defendant.

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The parties entered into a settlement of the action. The case was closed as settled on April 28, 2005. Apparently because plaintiff had not yet received the sums due under the terms of the settlement, he moved on October 25, 2005 (Dkt. #44) to "terminate" the settlement agreement. By letter dated November 1, 2005, the Assistant Attorney General representing defendants indicated that in fact the settlement check had been mailed within the week to plaintiff at the Cayuga Correctional Facility.

Based on the above, there is no basis to vacate the settlement and plaintiff's motion (Dkt. #44) is in all respects denied.

IT IS SO ORDERED.

  
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DAVID G. LARIMER  
UNITED STATES DISTRICT JUDGE

Dated: Rochester, New York  
November 4, 2005.